

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**JAMES OLIVER.,
AIS #186094,**

Petitioner,

v.

JOHN CUMMINS,

Respondent.

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CIVIL ACTION NO. 09-00052-KD-N

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated October 28, 2009, is **ADOPTED** as the opinion of this Court.

DONE this 19th day of November, 2009.

**s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE**